

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing requested amendments and in view of the reasons that follow. Applicant respectfully asserts that entry of the requested amendments would place the application in condition for allowance. Alternatively, entry of the requested amendments would place the application in better form for consideration on appeal.

As a preliminary matter, Applicant would like to thank Examiner Rayyan for her courtesies extended to Applicant's representative during the July 19, 2007 telephonic interview. The substance of that interview is embodied in the following remarks.

Regarding the Information Disclosure Statement issue, Applicant has decided to address this issue in a subsequent response.

Claims 1-22 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Patent Abstract of Japan, Publication No. 2000-066884 (Application No. 10-234704) (along with a machine translation) to Shozo.

By this amendment, claim 1, 4, 10, 13 and 19-22 have been amended as discussed in greater detail below. Claims 2, 3, 5-9, 11, 12 and 14-18 remain unchanged in the application.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-22 remain pending in this application for consideration

Applicant respectfully submits that each of the independent claims is patentably distinguishable over the cited reference as required by § 102. Applicant further submits that the cited reference fails to disclose Applicant's claimed flow data generation method having *relation types between the first term data and the second term data and position data . . . on position where each value of the first term data and second term data exists* as recited in

independent claims 1 and 4. Independent claims 10, 13, 19 and 20 recite similar features in the context of apparatus claims and claims 21 and 22 recite similar features in the context of program product claims. By contrast, the cited reference fails to teach or suggest these claimed features. Accordingly, independent claims 1, 4, 10, 13 and 19-22 and claims dependent therefrom are patentably distinguishable over the cited reference. This distinction will be further described below.

THE CLAIMS ARE DIRECTED TO STATUTORY SUBJECT MATTER

Claims 1-22 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Specifically, the Examiner rejected claims 1-22 because “they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application.”

Although Applicant respectfully submits that the claims are in fact directed to statutory subject matter, Applicant has amended the claims according to the Examiner’s helpful suggestions during the July 19, 2007 telephonic interview. Support for the amendments to independent claims 1, 4, 10, 13 and 19-22 can at least be found on page 84, lines 12-25, page 86, lines 14-25 and page 87, line 27 through page 88, line 11 and FIGS. 36A, 36B, 38A and 38B of the present specification. In particular, these passages teach the application of embodiments one through seven being applied to a video programming procedural manual shown with the screen displays of FIGS. 36A, 36B, 38A and 38B. In addition, the passages also teach the application of embodiments one through seven being applied to a terminal at a call center where the information is presented as data flow in real time via the Internet where the call center utilizes WWW pages or exchanges images.

Accordingly, Applicant respectfully submits that the claims comply with the requirements set forth under 35 U.S.C. § 101 and requests withdrawal of the outstanding rejection.

THE CLAIMS DISTINGUISH OVER THE CITED REFERENCE

The claims 1-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shozo. In response, Applicant traverses these rejections and respectfully submits that the claims are allowable at least for the reasons that follow.

Applicant relies on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be “*identically* disclosed or described” by the prior art reference. (Emphasis added.) It is respectfully submitted that Shozo fails to describe each and every element of independent claims 1, 4, 10, 13 and 19-22.

The present invention is directed to a flow data generation method, apparatus, and program product for creating a flow chart. Independent claim 1 recites a flow data generation method comprising the steps of storing a set of binomial relation data; extracting first binomial relation data to be a starting point of the flow data from the set of binomial relation data; and associating a starting point as a first parent node with a second term of the first binomial relation data as a first child node.

The method further includes the steps of adding a relation type of the first binomial relation data to an arc of the first binomial relation data; searching the set of binomial relation data for third binomial relation data referring to the position data; associating the first term data of the third binomial relation data as a second parent node; adding a relation type of the third binomial relation data to an arc of the third binomial relation data; and repeating the searching, associating and adding steps to generate a partial tree including a root identical to the second term data of the first binomial relation data. The method further includes the step of displaying the particle tree. According to one embodiment of the present invention as recited in independent claim 1, the flow data generation method requires *relation types between the first term data and the second term data and position data . . . on position*

where each value of the first term data and second term data exists. Shozo fails to disclose these claimed features.

As stated previously, Shozo relates to a flowchart preparation system and record medium storage program. According to Shozo, a flowchart is prepared automatically within a range of defined items by defining the determined items among prescribed items required for designing a job. The Office Action highlights paragraph 10 of Shozo for disclosing the steps of generating the flowchart based on defined data. According to Shozo, the location data which arranges the flowchart symbols such as an object of processing are created automatically. The location data is created so that each flowchart symbol maintains suitable spacing and based on the location data, the flowchart symbol is actually plotted.

Applicant respectfully submits that the claims are not anticipated by the Shozo reference. With respect to independent claim 1, Applicant respectfully submits that the subject matter claimed therein patentably distinguishes over the cited reference. Specifically, independent claim 1 requires *relation types between the first term data and the second term data* and *position data . . . on position where each value of the first term data and second term data exists*. The Office Action, equates the “defined data” of Shozo as the claimed *first and second term data*, the “definition information”¹ of Shozo to the claimed *relation types* and the “location data” of Shozo to the claimed *position data*. Applicant respectfully disagrees.

The First and Second Data Term

Applicant respectfully submits that the defined data of Shozo does not qualify as the claimed first and second term data. The claimed first and second term data is part of the set of binomial relation data stored in a first storage unit and each of the first and second term data includes a value stored in the first storage unit (claim 1, lines 2-4).

¹ In the previous response of December 26, 2006, Applicant stated that the Examiner equated the “defined relation” of Shozo to the claimed “*relation type*.” Applicant would like to point out that this statement was made in error and the Examiner indeed equated the “definition information” of Shozo to the claimed “*relation types*”.

Shozo's defined data does not have these features. Paragraph 9 of Shozo describes defined data as various data about something. In particular, the defined data is data about what is needed to create a flowchart. This data, which is defined by a user, probably defines what type of elements and the shape of these elements that are going to be used with the flowchart to be displayed. Paragraph 10 further states the flowchart will be created based on the defined data. Thus, the defined data of Shozo **is not** part of the set of binomial relation data, **is not** stored in a first storage unit and **does not** include a value stored in the first storage unit. Thus, the defined data cannot be equated to the claimed first and second term data. Thus, Shozo fails to disclose this claimed feature and at least one patentable difference exists between the present invention and Shozo.

The Relation Types

Since Shozo fails to disclose or suggest the claimed first and second term data, Shozo necessarily fails to disclose or suggest the claimed relation types, indicating the type of relation between the first term data and the second term data. This is illustrated in FIG. 2 of the present application. Independent claim 1 requires the steps of adding *a relation type* of the first binomial relation data to an arc of the first binomial relation data (claim 1, lines 11 and 12) and adding *a relation type* of the third binomial relation data to an arc of the third binomial relation data (claim 1, lines 18 and 19). Applicant respectfully submits that Shozo fails to disclose these claimed steps. With this arrangement, arcs between nodes (as defined in claim 1) and what type of arc (relation type) can be identified.

In contrast, Shozo recites, "definition information which defines relation with the object of the processing expressed with the flowchart, and processing." That is, symbols on the flowchart and processing performed are associated. The "relation" of the definition information of Shozo merely represents the relation between a process and the object of the process. For the node arrangement as to the flowchart generated by Shozo, the position coordination specified by the matrix arrangement file is arranged by step (S50) of the flowchart shown in FIG. 2. After that, at step (S70), information on relation ("flowline connection rank" of FIG. 5D) is utilized. That is, Shozo does not utilize the relation in node arrangement (determining position coordination on the figure). In Shozo, nodes are first

arranged based on information set by the user; then, the nodes are connected by lines (arc generation). Thus, the definition information cannot be equated to the claimed relation types. Shozo fails to disclose this claimed feature and the claimed steps identified above. Thus, at least another patentable difference exists between the present invention and Shozo.

The Position Data

Since Shozo fails to disclose or suggest the claimed first and second term data, Shozo necessarily fails to disclose or suggest the claimed position data. As defined in the claim, the position data is data about the position where each value of the first term data and the second term data exists in the set of binomial relation data. The position data is stored in the second storage unit and indicates the position of each element of the device in which the set of binomial relation data is stored as shown in FIG. 2, and does not indicate arrangements on the flowchart.

In contrast, the location data of Shozo indicates arrangements of elements on the flowchart as illustrated in FIG. 3 of Shozo. The location of each element is established by a matrix arrangement file shown in FIG. 8 of Shozo. The matrix arrangement shown in FIG. 8 provides a location for the elements shown in FIG. 3. Shozo defines “[a] location data origination means to determine the location data of the graphic symbol....” Thus, a user creates the matrix arrangement in order to generate the flowchart (*see*, paragraphs 37-43 of Shozo). Thus, the position data of the present invention and the location data of Shozo are substantially different. Thus, Shozo also fails to disclose this claimed feature.

In view of the fact that the Shozo reference does not disclose each of the claimed features described above, this reference cannot be said to anticipate nor can it be said to render obvious the invention which is the subject matter of independent claim 1. Thus, independent claim 1 is allowable. Independent claims 10 and 19 each recites similar features in the context of apparatus claims and independent claim 21 recites similar features in the context of a program product claim. Thus, for substantially the same reasons stated above, independent claims 10, 19 and 21 are also allowable.

Independent claim 4 is substantially similar in scope to independent claim 1 and recites the same patentable features as independent claim 1. Independent claim 4 further includes the steps for generating a second partial tree including a root identical to the second term data of the first binomial relation data. Independent claims 13 and 20 each recites similar features as independent claim 4 in the context of apparatus claims and independent claim 22 recites similar features in the context of a program product claim. Thus, for substantially the same reasons stated above with respect to independent claim 1, independent claims 4, 13, 20 and 22 are also allowable.

Since independent claims 1, 4, 10, 13 and 19-22 are allowable, claims dependent therefrom, namely claims 2-3, 5-9, 11, 12 and 14-18 are also allowable by virtue of their direct or indirect dependence from allowable independent claims 1, 4, 10, 13 and 19-22 and for containing other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited reference are not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to
Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

By Matthew Khouri
(Reg. No. 58,671)
for Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888